

REMARKS

Reconsideration of the instant application is respectfully requested. The present amendment, submitted concurrently with a Request for Continued Examination under 37 CFR 1.114, is responsive to the Final Office Action of March 24, 2006, in which claims 1-12 are presently pending. Of those, claims 1, 5, 7 and 11 remain rejected under 35 U.S.C. §112, second paragraph, as more specifically set forth on page 3, paragraph 7 of the Final Office Action. In addition, claims 1-12 remain rejected under 35 U.S.C. §101 as being directed toward non-statutory subject matter as more specifically set forth on pages 3-5 of the Final Office Action.

As a result of the amendment filed on December 27, 2005, the previous objection to the specification and claim rejections under 35 U.S.C. §112, first paragraph, 35 U.S.C. §102(e) and 35 U.S.C. §103(a) have now been withdrawn. For the following reasons, it respectfully submitted that the application is now in condition for allowance.

Claims 1-6 have been cancelled, leaving claims 7-12 remaining for consideration. With regard to the §101 non-statutory subject matter rejections, claims 7-12 have been amended as set forth above to more specifically claim a computer program product comprising a computer readable medium having computer readable program code embodied thereon and configured to control a computer to implement a method for determining an information technology (IT) infrastructure strategy for an organizational entity. Accordingly, claims 7-12 have been amended in a manner indicated by the Examiner to render the method steps statutory. It is therefore respectfully submitted that the §101 rejections have been overcome and, as such, Applicants respectfully request withdrawal of the same.

Turning next to the §112, second paragraph rejections, the Applicants submit that the claim language, as now amended, also overcomes the present §112, second paragraph

rejections. As will be noted, the claims no longer recite the term “strategy,” either as a stand alone noun or as an adjective to describe the matrix. Instead, the claims now recite distinctive approaches to implementing IT infrastructure, and how such approaches are balanced and normalized across various IT domains. Support for the amendment is included within both the specification and drawings.


With regard to the term “elements,” claims 10-12 have been amended to add the term “domain” in conjunction with the term “elements.” Furthermore, the specification has also been amended as set forth above to define a domain “element.” That is, an “element” refers to an IT component of a specific IT domain. Several examples of domain elements are presented in the specification as originally filed. See, for example, pages 11-13 of the specification and Figure 6 of the drawing. As stated above, one such example of an “element” of the “network” IT domain would be a high-speed interconnection; another would be a router, as stated on page 11, lines 8-11 of the specification. Thus, the clarifying definition of “element” does not represent new matter.

Because the amended claims now more particularly point out a clear and concise meaning of the terms, it is respectfully submitted that each of the outstanding §112, second paragraph rejections have now been overcome.

For the above stated reasons, it is respectfully submitted that the present application is now in condition for allowance. No new matter has been entered and no additional fees are believed to be required. However, if any fees are due with respect to this Amendment, please charge them to Deposit Account No. 09-0458 maintained by Applicants' attorneys.

Respectfully submitted,
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